

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

FILED
OCT - 5 2005
[Signature]
CLERK

CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

MARIAN JOAN PRINCE,

Defendant.

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CR. 05-30047

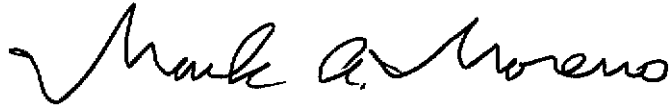
REPORT AND RECOMMENDATION
FOR DISPOSITION OF DEFENDANT'S
MOTION TO SUPPRESS STATEMENTS
AND EVIDENCE

Defendant, Marian Joan Prince, has filed a Motion to Suppress Statements and Evidence, Docket No. 15. Because Defendant's Motion is a dispositive one, this Court is only authorized to determine the same on a report and recommendation basis. See 28 U.S.C. §636(b)(1). Based on the findings, authorities and legal discussion made on the record at the October 5, 2005 hearing, the Court hereby

RECOMMENDS that Defendant's Motion be granted in part and denied in part. The Motion is granted insofar as it seeks to suppress the statements Defendant made on the roadside after being handcuffed and questioned by highway patrol troopers and that she subsequently made at the Jones County Sheriff's Office. The Motion, however, is denied insofar as it seeks to suppress the search of Defendant's vehicle and any statements she made at the scene of the stop prior to being handcuffed.

Dated this 5th day of October, 2005, at Pierre, South Dakota.

BY THE COURT:



**MARK A. MORENO
UNITED STATES MAGISTRATE JUDGE**

ATTEST:

JOSEPH HAAS, CLERK

BY:


Deputy

(SEAL)

NOTICE

Failure to file written objections to the within and foregoing Report and Recommendations for Disposition within ten (10) days from the date of service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. § 636(b)(1).